IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): La Vaughn F. Watts, Jr.; Nobuyuki Albert Sato; Gary Douglas Huber

Assignee: Dell Products L.P.

Title: Combination Personal Data Assistant and Personal Computing System Dynamic Memory Reclamation

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Docket No.:	DC-02758	Customer No.:	33438

Austin, Texas
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Electronically Filed

APPEAL BRIEF UNDER 37 CFR § 41.37

Dear Commissioner:

Applicant submits this Appeal Brief pursuant to the Notice of Appeal filed in this case on December 17, 2007. A Notice of Panel Decision from Pre-Appeal Brief Review was mailed on February 26, 2008 resetting the time period for filing an Appeal Brief to March 26, 2008.

The $500.00 fee for this Appeal Brief is being paid electronically via the USPTO EFS. The Board is also authorized to deduct any other amounts required for this appeal brief and to credit any amounts overpaid to Deposit Account No. 502264.

I.   REAL PARTY IN INTEREST - 37 CFR § 41.37(c)(1)(i)

The real party in interest is the assignee, Dell Products L.P. as named in the caption above and as evidenced by the assignment set forth at Reel 011500, Frame 0911.

II.   RELATED APPEALS AND INTERFERENCES - 37 CFR § 41.37(c)(1)(ii)

Based on information and belief, there are no appeals or interferences that could directly affect or be directly affected by or have a bearing on the decision by the Board of Patent Appeals and Interferences in the pending appeal.

III.   STATUS OF CLAIMS - 37 CFR § 41.37(c)(1)(iii)

Claims 1-27 are pending in the application. Claims 1-27 stand rejected. The rejection of claims 1-27 is appealed. Appendix "A" contains the full set of pending claims.

IV.   STATUS OF AMENDMENTS - 37 CFR § 41.37(c)(1)(iv)

A Final Rejection was mailed on March 22, 2004 and in response a Request for Continued Examination and Amendment was filed and entered July 23, 2004. A second Final Rejection was mailed May 20, 2005 and an Amendment After Final Rejection was filed and entered July 20, 2005. A third Final Rejection was mailed July 10, 2006 and an Appeal and Request for Review was filed and entered September 21, 2006 wherein prosecution was reopened. A fourth final rejection was mailed October 19, 2007 and an Appeal and Request for Review was filed in response on December 17, 2007.

V.   SUMMARY OF CLAIMED SUBJECT MATTER - 37 CFR § 41.37(c)(1)(v)

The present invention, as set forth by independent claim 1, relates to a mobile computing system. The system includes a common communication device (see e.g., Page 6, lines 6-9), a personal computing system (PC) coupled to the common communication device (see e.g., Page 6, lines 6-7), a PDA coupled to the common communication device (see e.g., Page 6, lines 8-9). The PC includes a storage device capable of receiving and storing messages from the common communication device and a personal digital assistant system (PDA) (see e.g., Page 6, lines 15-20). The PDA includes a storage device capable of receiving and storing messages from the common communication device (see e.g., Page 6, lines 15-20). The storage device of the PC synchronizes messages received from the common communication device with the storage device of the PDA (see e.g., Page 6, lines 15-22). The PC and the PDA are capable of controlling the common communication device, but one of the PC and the PDA control the common communication device at a given time (see e.g., Page 5, lines 18-24).

The present invention, as set forth by independent claim 8, relates to a mobile computing system. The system includes a common communication device (see e.g., Page 6, lines 6-9), a personal computing system (PC) coupled to the common communication device (see e.g., Page 6, lines 6-7), the PC capable of receiving messages through the common communication device

and a personal digital assistant system (PDA) coupled to the common communication device (see e.g., Page 6, lines 8-9). The PDA is capable of receiving messages through the common communication device and synchronizing the messages received through the common communications device with the PC (see e.g., Page 6, lines 8-9). The PC and the PDA are capable of controlling the common communication device, but one of the PC and the PDA controlling the common communication device at a given time (see e.g., Page 5, lines 18-24).

The present invention, as set forth by independent claim 12, relates to a method of clearing and archiving messages in a dual system computer architecture which includes a first computer system coupled to a common communication device (see e.g., Page 6, lines 6-7) and a second computer system coupled to a common communication device (see e.g., Page 6, lines 8-9). The first computer system and the second computer system are capable of controlling the common communication device with one of the first computer system and the second computer system controlling the common communication device at a given time (see e.g., Page 5, lines 18-24). The method includes receiving and storing messages by the first computer system to a first memory device (see e.g., Page 8, lines 14-30), synchronizing the messages with the second computer system (see e.g., Page 8, lines 14-30), whereby the second computer system archives synchronized messages to a second memory device (see e.g., Page 9, lines 8-16), and deleting synchronized and archived messages whenever the first memory device is filled (see e.g., Page 9, lines 8-16).

The present invention, as set forth by independent claim 16, relates to a method of clearing and archiving messages in a dual system computer architecture which includes a first computer system coupled to a common communication device (see e.g., Page 6, lines 6-7) and a second computer system coupled to a common communication device (see e.g., Page 6, lines 8-9). The first computer system and the second computer system are capable of controlling the common communication device with one of the first computer system and the second computer system controlling the common communication device at a given time (see e.g., Page 5, lines 18-24). The method includes receiving and storing messages by a first computer system to a first memory device (see e.g., Page 8, lines 14-30), synchronizing the messages with a second computer system (see e.g., Page 8, lines 14-30), whereby the second computer system archives

synchronized messages to a second memory device (see e.g., Page 9, lines 8-16), and informing a user whenever the first memory device is filled (see e.g., Page 9, lines 8-16).

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL - 37 CFR § 41.37(c)(1)(vi)

Whether Claims 1 – 27 are properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Mousseau, U.S. Patent No. 6,779,019 (Mousseau) in view of Dobson, U.S. Patent No. 6,891,887 (Dobson) is respectfully requested reviewed.

VII.   ARGUMENT - 37 CFR § 41.37(c)(1)(vii)

Claims 1–11 are Allowable Under 35 U.S.C. § 103(a) Over Mousseau, U.S. Patent No. 6,779,019 (Mousseau) in view of Dobson, U.S. Patent No. 6,891,887 (Dobson)

The present invention generally relates to an architecture which includes a PC system and a PDA system which independently have access to a communication device, thereby allowing either system to communicate and receive messages regardless of the active state of the other system. Figure 4 shows an example of one such system in which the southbridge controller 110 of the PC and the PDA companion 205 of the PDA are coupled to a communication device 400.

Mousseau disclose pushing user-selected data items from a host system to a user's mobile communication device upon detecting the occurrence of one or more user-defined event triggers is provided. The user may then move the data items to a particular folder within a folder hierarchy stored in the mobile data communication device, or may execute some other system operation on the data item. Software operating at the mobile computer and the host system then synchronizes the folder hierarchy of the mobile device with a folder hierarchy of the host system, and any actions executed on the data items at the mobile device are then automatically replicated on the same data items stored at the host system.

More specifically, Mousseau discloses a host system 10 that is connected to a local area network 14. The local area network 14 is in turn connected to a wide area network 18. Mousseau further discloses that the mobile communication device 24 is also coupled to the wide area network 18 via a wireless gateway 20. The mobile data communication device 24 includes

- 4 -

software that works with the redirector program 12 to enable redirection of user selected data items. (See generally, Mousseau, Col. 9, line 46 – col. 10, line 39.)

Dobson relates to local area networks (LANs) which are designed to operate within a home environment. More specifically, Dobson discloses a LAN adapter device which includes an interpolative equalizer. The LAN adapter device allows LAN computing devices to connect to a LAN medium.

When discussing Dobson, the Examiner sets forth:

> Mousseau does not teach the PC and the PDA capable of controlling the common communication device, but one of the PC and PDA controlling the common communication device at a given time. Dobson teaches the PC 540 (fig. 5) and the PDA 550 (fig. 5) capable of controlling the common communication device 560 or 570 (fig. 5), but one of the PC and PDA controlling the common communication device at a given time (see. col. 9, lines 62 - 67 and col. 10, lines 1 - 16 noting that a printer and copier can only perform one operation from one machine at a time). Therefore, it would have been obvious to one of ordinary skill in the art of the time the invention was made to provide to teachings of Dobson to said device of Mousseau in order to provide convenience in data sharing between various types of mobile devices. (Office Action dated January 25, 2006, Page 3, lines 3 – 10.)

The portion of Dobson to which the Examiner cites sets forth:

> FIG. 5 depicts a number of representative devices connected to DMT LAN 20 over a typical wire medium found in a residence or small business. Many of the wiring runs originate at a central node 500, which also connects to wiring 80 from the access infrastructure 10. It is understood that wiring 80 from the access infrastructure may connect at any other point to the shared medium. Other wiring runs may diverge into separate runs such as at nodes 502 and 504. Other runs may not be connected to any device and result in an unterminated wire pair such as nodes 506 and 508. Telephone 510 and fax machine 520 are standard POTS devices, whereas the remaining devices are connected to the DMT LAN 20 via a DMT LAN adapter device. Copier 570 has an internal DMT LAN adapter, while PDA 550, printer 560 and modem 530 use external DMT LAN adapters 515, 517, 519, respectively. PC 540 may have an internal (or external) DMT LAN adapter, a POTS modem, or both, connecting it to the local shared medium (Dobson, Col. 9, lines 62 – 67 and Dobson, Col. 10, lines 1 – 12).

> PC 540 may communicate with, e.g., printer 560 or copier 570 over the DMT LAN while simultaneously communicating with an external device over access infrastructure 10 using an internal POTS modem (not shown) (Dobson, Col. 10, lines 13 – 16).

The central node 500 of Dobson is not a common communication device which is coupled between a PC and a PDA as claimed. Note that Dobson does disclose a PC (e.g., PC 540) and a PDA device (e.g., PDA 550) coupled to a central node 500 via a corresponding external adapter 515. The central node is also coupled to a modem 530 as well as printers 560 and 570. The modem 530 is coupled to the central node 500 via an external adapter 519. The printer 560 is coupled to the central node 500 via an external adapter 517.

Dobson does not disclose or suggest a common communication device which is coupled to a PC and a PDA as claimed, much less a common communication device where the PC and the PDA are capable of controlling the common communication device, but one of the PC and the PDA controlling the common communication device at a given time. These deficiencies of Dobson are not fulfilled by Mousseau.

More specifically, Mousseau and Dobson do not teach or suggest a mobile computing system which includes a common communication device, a personal computing system (PC) coupled to the common communication device, a PDA coupled to the communication device, where *the storage device of the PC synchronizes messages received from the common communication device with the storage device of the PDA*, and *where the PC and the PDA are capable of controlling the common communication device, but one of the PC and the PDA controlling the common communication device at a given time*, all as required by independent claim 1. Accordingly, claim 1 is allowable over Mousseau and Dobson. Claims 2 – 7 depend from claim 1 and are allowable for at least this reason.

Mousseau and Dobson do not teach or suggest a mobile computing system which includes a common communication device, a personal computing system (PC) coupled to the common communication device, and a personal digital assistant system (PDA) coupled to the common communication device where *the PDA is capable of receiving messages through the common communication device and synchronizing the messages received through the common communications device with the PC* and *where the PC and the PDA are capable of controlling the common communication device, but one of the PC and the PDA controlling the common-communication device at a given time*, all as required by independent claim 8. Accordingly,

- 6 -

claim 8 is allowable over Mousseau and Dobson. Claims 9 – 11 depend from claim 8 and are allowable for at least this reason.

Claims 12–27 are Allowable Under 35 U.S.C. § 103(a) Over Mousseau, U.S. Patent No. 6,779,019 (Mousseau) in view of Dobson, U.S. Patent No. 6,891,887 (Dobson)

Mousseau and Dobson do not teach or suggest a method of clearing and archiving messages in a dual system computer architecture which includes a first computer system coupled to a common communication device and a second computer system coupled to a common communication device, *the first computer system and the second computer system are capable of controlling the common communication device with one of the first computer system and the second computer system controlling the common communication device at a given time*, much less such a method which includes receiving and storing messages by the first computer system to a first memory device, synchronizing the messages with the second computer system, whereby the second computer system archives synchronized messages to a second memory device, and *deleting synchronized and archived messages whenever the first memory device is filled*, all as required by independent claim 12. Accordingly, claim 12 is allowable over Mousseau and Dobson. Claims 13 – 15 depend from claim 12 and are allowable for at least this reason.

Mousseau and Dobson do not teach or suggest a method of clearing and archiving messages in a dual system computer architecture which includes a first computer system coupled to a *common* communication device and a second computer system coupled to the *common* communication device, *the first computer system and the second computer system are capable of controlling the common communication device with one of the first computer system and the second computer system controlling the common communication device at a given time*, much less such a method which includes receiving and storing messages by the first computer system to a first memory device, synchronizing the messages with a second computer system, whereby *the second computer system archives synchronized messages to a second memory device, and informing a user whenever the first memory device is filled*, all as required by independent claim 16. Accordingly, claim 16 is allowable over Mousseau and Dobson. Claims 17 – 27 depend from claim 16 and are allowable for at least this reason.

VIII. CLAIMS APPENDIX - 37 CFR § 41.37(c)(1)(viii)

A copy of the pending claims involved in the appeal is attached as Appendix A.

IX. EVIDENCE APPENDIX - 37 CFR § 41.37(c)(1)(ix)

None

X. RELATED PROCEEDINGS APPENDIX - 37 CFR § 41.37(c)(1)(x)

There are no related proceedings.

XI. CONCLUSION

For the reasons set forth above, Applicant respectfully submits that the rejection of pending Claims 1-27 is unfounded, and requests that the rejection of claims 1-27 be reversed.

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I hereby certify that this correspondence is being electronically submitted to the COMMISSIONER FOR PATENTS via EFS on March 26, 2008.

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Respectfully submitted,

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CLAIMS APPENDIX "A" - 37 CFR § 41.37(c)(1)(viii)

1.   A mobile computing system comprising:

a common communication device;

a personal computing system (PC) coupled to the common communication device, the PC
including a storage device capable of receiving and storing messages from the
communication device;

a personal digital assistant system (PDA) coupled to the common communication device,
the PDA including a storage device capable receiving and storing messages from
the communication device, whereby the storage device of the PC is capable of
synchronizing messages received from the common communication device with
the storage device of the PDA, and wherein

the PC and the PDA are capable of controlling the common communication device, but
one of the PC and the PDA controlling the common-communication device at a
given time.

2.   The mobile computing system of claim 1 wherein the storage device of the PC is
a memory array comprised of a set of records, and the storage device of the PDA is a memory
array comprised of a set of records.

3.   The mobile computing system of claim 2 wherein a direct correspondence is
established between the set of records of the PC memory array and the set of records of the PDA
memory array.

4.   The mobile computing system of claim 2 wherein messages are synchronized
between the memory array of the PC and the memory array of the PDA.

5.   The mobile computing system of claim 3 wherein messages are synchronized
between records of the PC memory array and records of the PDA memory array.

6.   The mobile computing system of claim 1 wherein the storage device of the PC is
a hard disk drive.

7.   The mobile computing system of claim 6 wherein the hard disk drive is comprised of a memory array, and the PDA storage device is comprised of a memory array, wherein the PC hard disk drive memory array corresponds directly to the PDA memory array.

8.   A mobile computing system comprising:

a common communication device;

a personal computing system (PC) coupled to the common communication device, the PC capable of receiving messages through the common communication device;

a personal digital assistant system (PDA) coupled to the common communication device, the PDA capable of receiving messages through the common communication device and synchronizing the messages received through the common communication device with the PC, and wherein

the PC and the PDA are capable of controlling the common communication device, but one of the PC and the PDA controlling the common communication device at a given time.

9.   The mobile computing system of claim 8 wherein the PDA is further comprised of a memory array where messages are received and entered, and the memory array is synchronized to the PC.

10.   The mobile computing system of claim 9 wherein the PC is further comprised of a memory array that is synchronized to the memory array of the PDA.

11.   The mobile computing system of claim 9 wherein the PC is further comprised of a hard disk drive that is synchronized to the memory array of the PDA.

12.   A method of clearing and archiving messages in a dual system computer architecture, the dual system computer architecture including a first computer system coupled to a common communication device and a second computer system coupled to a the common communication device, the first computer system and the second computer system being capable of controlling the common communication device with one of the first computer system and the second computer system controlling the common-communication device at a given time, the

method comprising:

receiving and storing messages by the first computer system to a first memory device;

synchronizing the messages with the second computer system, whereby the second computer system archives synchronized messages to a second memory device; and

deleting synchronized and archived messages whenever the first memory device is filled.

13.   The method of clearing and archiving messages in a dual system computer architecture of claim 12 further comprising:

identifying the deleted messages in the first memory devices.

14.   The method of clearing and archiving messages in a dual system computer architecture of claim 12 wherein the first computer system is a personal digital assistant system (PDA) and the second computer system is a personal computer system (PC).

15.   The method of clearing and archiving messages in a dual system computer architecture of claim 13 wherein the first computer system is a personal digital assistant system (PDA) and the second computer system is a personal computer system (PC).

16.   A method of clearing and archiving messages in a dual system computer architecture, the dual system computer architecture including a first computer system coupled to a common communication device and a second computer system coupled to a the common communication device, the first computer system and the second computer system being capable of controlling the common communication device with one of the first computer system and the second computer system controlling the common-communication device at a given time, the method comprising:

receiving and storing messages by the first computer system to a first memory device;

synchronizing the messages with the second computer system, whereby the second computer system archives synchronized messages to a second memory device; and

informing a user whenever the first memory device is filled.

17.   The method of clearing and archiving messages in a dual system computer architecture of claim 14 further comprised of:

deleting messages from the first memory device after the messages have been read by the user.

18.   The method of clearing and archiving messages in a dual system computer architecture of claim 16 wherein the first computer system is a personal digital assistant (PDA) and the second computer system is a personal computer system (PC).

19.   The method of clearing and archiving messages in a dual system computer architecture of claim 17 wherein the first computer system is a personal digital assistant (PDA) and the second computer system is a personal computer system (PC).

20.   The method of clearing and archiving messages in a dual system computer architecture of claim 12 further comprised of:

setting preferences as to received and stored messages.

21.   The method of clearing and archiving messages in a dual system computer architecture of claim 13 further comprised of:

setting preferences as to received and stored messages.

22.   The method of clearing and archiving messages in a dual system computer architecture of claim 14 further comprised of:

setting preferences as to received and stored messages.

23.   The method of clearing and archiving messages in a dual system computer architecture of claim 15 further comprised of:

setting preferences as to received and stored messages.

24.   The method of clearing and archiving messages in a dual system computer architecture of claim 16 further comprised of:

setting preferences as to received and stored messages.

25.   The method of clearing and archiving messages in a dual system computer architecture of claim 17 further comprised of:

setting preferences as to received and stored messages.

26.   The method of clearing and archiving messages in a dual system computer architecture of claim 18 further comprised of:

setting preferences as to received and stored messages.

27.   The method of clearing and archiving messages in a dual system computer architecture of claim 19 further comprised of:

setting preferences as to received and stored messages.

EVIDENCE APPENDIX - 37 CFR § 41.37(c)(1)(ix)

None

RELATED PROCEEDINGS APPENDIX - 37 CFR § 41.37(c)(1)(x)

There are no related proceedings.